

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

AVAYA, INC.,

Plaintiff,

v.

TELECOM LABS, INC., TEAMTLI.COM
CORP., CONTINUANT, INC., DOUGLAS
GRAHAM, SCOTT GRAHAM AND BRUCE
SHELBY,

Defendants.

Civil Action No. 06-2490 (GEB)

ORDER

BROWN, Chief Judge

This case having come before the Court upon Defendants’ Telecom Labs Inc., TeamTLI Corp., Continuant, Inc., Douglas Graham, Scott Graham, and Bruce Shelby (collectively “Defendants”) Motion for Partial Summary Judgment Dismissing Avaya’s Fifth Cause of Action (DMCA Claims) (Dkt. No. 294); and Plaintiff Avaya’s Motion to Strike Volume II of Defendants’ Statement of Undisputed Material Facts in Support of their Motion to Dismiss Avaya’s DMCA Claims and the July 24, 2011 Certification of Scott Graham (Dkt. No. 282); and the Court having considered the parties’ submissions and having decided the matter without oral argument pursuant to Federal Rule of Civil Procedure 78:

IT IS, on this 4th day of November, 2011

ORDERED that Defendants’ Motion for Partial Summary Judgment on Plaintiff’s DMCA Claims is GRANTED in part and DENIED in part as set forth in the Memorandum Opinion filed herewith; and it is further

ORDERED that Plaintiff's claim under 17 U.S.C. §1201(a)(1) is hereby DISMISSED
WITH PREJUDICE;

ORDERED that Plaintiff's claim under 17 U.S.C. §1201(a)(2) is hereby DISMISSED
WITH PREJUDICE; and it is further

ORDERED that Plaintiff's Motion to Strike Volume II of Defendants' Statement of
Undisputed Material Facts in Support of their Motion to Dismiss Avaya's DMCA Claims and the
July 24, 2011 Certification of Scott Graham is hereby DENIED as moot.

____/s/ Garrett E. Brown, Jr. _____
GARRETT E. BROWN, JR., U.S.D.J.